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Intellectual Property Law

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TO: Examiner Gerald B. Klebe
FIRM: USPTO
FACSIMILE NO.: (703) 872-9306
OUR REF.: AMERMOT.066A
FROM: Mark J. Kertz
OPERATOR: Bonnie Blanchard
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Docket No.: AMERMOT.066A

March 25, 2005

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FACSIMILE TRANSMITTAL LETTER

RE-SUBMISSION OF INFORMATION DISCLOSURE STATEMENT

Applicant : Leitner, et al.
App. No : 10/643,708
Filed : August 19, 2003
For : RETRACTABLE VEHICLE STEP
Examiner : Gerald B. Klebe
Art Unit : 3618

**CERTIFICATE OF FAX TRANSMISSION
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I hereby certify that this correspondence and all marked attachments are being transmitted via facsimile to the USPTO centralized Fax No. (703) 872-9306 on the date shown below:

March 25, 2005

(Date)

Mark J. Kertz
Mark J. Kertz, Reg. No. 43,711

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Applicant hereby re-submits an Information Disclosure Statement previously filed by fax yesterday (March 24, 2005) at the USPTO's central fax number, (703) 872-9306. Applicant did not receive the customary fax confirmation back from the USPTO (although Applicant's fax machine did generate its own confirmation sheet indicating a successful transmission; see attached). Applicant therefore re-submits the attached Information Disclosure Statement.

Enclosed for filing in the above-identified application are:

- (X) An Information Disclosure Statement, PTO/SB/08 equivalent listing one reference for consideration, and accompanying transmittal sheets, all originally submitted yesterday, in 5 pages.
- (X) A confirmation sheet generated by Applicant's fax machine indicating successful transmission of the above-listed items on March 24, 2005, in one page.

TOTAL PAGES (INCLUDING THIS COVER SHEET): 7

The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment, to Account No. 11-1410.

Mark J. Kertz
Mark J. Kertz
Registration No. 43,711
Attorney of Record
Customer No. 20,995
(949) 760-0404

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032405

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TO: Examiner Gerald B. Klebe
FIRM: USPTO
FACSIMILE NO.: (703) 872-9306
OUR REF.: AMERMOT.066A
FROM: Mark J. Kertz
OPERATOR: Irene Phillips
DATE: March 24, 2005

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Docket No.: AMERMOT.066A

March 24, 2005

Page 1 of 1

Please Direct All Correspondence to Customer Number 20995

**FACSIMILE TRANSMITTAL LETTER
INFORMATION DISCLOSURE STATEMENT**

Applicant : Leitner, et al.
App. No : 10/643,708
Filed : August 19, 2003
For : RETRACTABLE VEHICLE STEP
Examiner : Gerald.B. Klebe
Art Unit : 3618

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I hereby certify that this correspondence and all marked attachments are being transmitted via facsimile to the USPTO centralized Fax No. (703) 872-9306 on the date shown below.

March 24, 2005

Mark J. Kertz
(Date)

Mark J. Kertz, Reg. No. 43,711

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Enclosed for filing in the above-identified application are:

(X) An Information Disclosure Statement and PTO/SB/08 equivalent listing references for consideration:

(X) Listing 1 reference.

The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment, to Account No. 11-1410.

Mark J. Kertz
Mark J. Kertz
Registration No. 43,711
Attorney of Record
Customer No. 20,995
(949) 760-0404

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Docket No.: AMERMOT.066A

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Customer No. 20,995

INFORMATION DISCLOSURE STATEMENT

Applicant : Leitner, et al.
App. No. : 10/643,708
Filed : August 19, 2003
For : RETRACTABLE VEHICLE STEP
Examiner : Gerald B. Klebe
Group Art Unit : 3618

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March 24, 2003

Mark A. Kertz, Reg. No. 43,7111

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Attached hereto is a form PTO/SB/08 listing one reference.

This Information Disclosure Statement is being filed before the receipt of a first Office Action on the merits, and presumably no fee is required in accordance with 37 C.F.R. § 1.97(b)(3). If a first Office Action on the merits was mailed before the mailing date of this Statement, the Commissioner is authorized to charge the fee set forth in 37 C.F.R. § 1.17(p) to Deposit Account No. 11-1410.

PUBLIC USE

Applicant respectfully requests the Examiner to consider the following information pertaining to a public use:

It appears that one or more retractable vehicle steps similar to the design shown in Figures 7-9 of the present application were in public use in the United States more than one year before the filing date (August 19, 2003) of the present application, but less than one year before the filing date (October 16, 2002) of the parent of the present application. Thus, it is believed that this public use is applicable to the present claims only to the extent that any claims are not supported by the parent disclosure.

Appl. No. : 10/643,708
Filed : August 19, 2003

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Docket No. AMERMOT.066A
Customer No. 20,995

To the extent that this public use is prior art, it is believed that all claims define over the publicly used design. Of course, the Examiner should make his own independent analysis.

CONCLUSION

The Examiner is respectfully requested to indicate his consideration of the information set forth herein by signing the attached form PTO/SB/08.

Respectfully submitted,
KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: March 24, 2005

By: Mark J. Kertz
Mark J. Kertz
Registration No. 43,711
Attorney of Record
Customer No. 20,995
(949) 760-0404

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PTO/SB/08 Equivalent

INFORMATION DISCLOSURE STATEMENT BY APPLICANT	Application No.	10/643,708	
	Filing Date	August 19, 2003	
	First Named Inventor	Leitner, et al.	
	Art Unit	3618	
(Multiple sheets used when necessary)		Examiner	Gerald B. Klebe
SHEET 1 OF 1		Attorney Docket No.	AMERMOT.066A

U.S. PATENT DOCUMENTS					
Examiner Initials	Cite No.	Document Number Number - Kind Code (if known) Example: 1,234,567 B1	Publication Date MM-DD-YYYY	Name of Patentee or Applicant	Pages, Columns, Lines Where Relevant Passages or Relevant Figures Appear
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FOREIGN PATENT DOCUMENTS					
Examiner Initials	Cite No.	Foreign Patent Document Country Code-Number-Kind Code Example: JP 1234567 A1	Publication Date MM-DD-YYYY	Name of Patentee or Applicant	Pages, Columns, Lines Where Relevant Passages or Relevant Figures Appear
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NON PATENT LITERATURE DOCUMENTS			
Examiner Initials	Cite No.	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ¹
	3	Information pertaining to public use set forth in Information Disclosure Statement of March 24, 2005.	

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Examiner Signature	Date Considered
<p>*Examiner: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.</p>	

To: Examiner Gerald B. Klebe
FIRM: USPTO
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